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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

SELAH ALLIANCE FOR  
EQUALITY; COURTNEY  
HERNANDEZ; REV. DONALD  
DAVID JR.; LAURA PEREZ, ANITA  
CALLAHAN; KALAH JAMES,  
CHARLOTTE TOWN; AMANDA  
WATSON; and ANNA WHITLOCK,

Plaintiffs,

v.

CITY OF SELAH; SHERRY  
RAYMOND, in her official capacity as  
Mayor of the City of Selah; and  
DONALD WAYMAN, in his official  
capacity as City Administrator for the  
City of Selah,

Defendants.

THE HONORABLE  
ROSANNA M. PETERSON

Case No. 1:20-cv-03228-RMP

**DECLARATION OF ERIN  
BARNETT IN OPPOSITION TO  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

DECLARATION OF ERIN BARNETT - 1  
(No. 1:20-cv-03228-RMP)

ATTORNEY D. R. (ROB) CASE  
CITY ATTORNEY  
CITY OF SELAH  
115 WEST NACHES AVE.  
SELAH, WA 98942

1 I, ERIN BARNETT, do hereby declare and state as follows:

2 1. I am over the 18 of age and fully competent.

3 2. In all regards, this Declaration is based on my personal knowledge.

4 3. For the past five-plus years, I have been employed by the city of Selah  
5 as its Code Enforcement Officer.

6 4. I have firsthand knowledge of how the city has acted with regard to  
7 unlawful freestanding signs over the years.

8 5. Any argument or suggestion that the city has allowed unlawful  
9 freestanding signs to exist for extended periods of time on city-owned rights-of-way  
10 (such as those along First Street/Highway 823 and Jim Clements Way/Highway 823)  
11 is simply false. The city acts on unlawful signs within a reasonable time after it  
12 discovers them. This has been true throughout the five-plus years that I have been  
13 the Code Enforcement Officer. I am often the city worker who takes action on  
14 unlawful freestanding signs, but sometimes a different member of the workforce also  
15 takes action (such as City Administrator Wayman, who occasionally sees an  
16 unlawful sign before I do when I am busy on other code compliance issues).

17 6. Similarly, any argument or suggestion that the city has played favorites  
18 with regard to freestanding signs is also simply false. The city enforces its codified  
19 prohibition on freestanding signs in public rights-of-way uniformly. Irrespective of  
20

1 message or messenger, the city removes unlawful freestanding signs from public  
2 rights-of-way. Again, this has been true throughout my five-plus years.

3 7. I have created an action spreadsheet, spanning from 2016 through the  
4 present date, which documents many of the occasions when I or another city  
5 employee has removed (or required a citizen to remove) unlawful freestanding signs.  
6 A copy of that spreadsheet is appended hereto, marked as "Exhibit A". Notably, the  
7 vast majority of entries on the action spreadsheet are for signs other than the  
8 plaintiffs' signs and for years other than 2020 and 2021.

9 8. In early 2021, another advocacy group – acting under the acronym  
10 "F.A.L.S.E." – also began placing unlawful freestanding signs in city-owned rights-  
11 of-way. We acted on those signs no differently from how we have acted on the  
12 plaintiffs' signs (since the fall 2020 campaign season ended) or any other person's  
13 or group's unlawful signs (during 2021 or any prior year).

14 9. During the fall 2020 campaign season, the city – acting via City  
15 Administrator Donald Wayman and the City Attorney – agreed to allow the  
16 "S.A.F.E." group's signs to remain on city-owned rights-of-way. That was their  
17 decision, not mine. Once they made and communicated that decision, I did not take  
18 any action on the S.A.F.E. signs for the remainder of that campaign season (and I  
19 am not aware of any other city employee doing so).

20 ///

DECLARATION OF ERIN BARNETT - 3  
(No. 1:20-cv-03228-RMP)

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10. During 2021 – long after the fall 2020 campaign season had ended – S.A.F.E. signs were noticed on city-owned rights-of-way. I removed some of the signs and I understand that other city workers may have done so also.

11. All S.A.F.E. signs that I have ever removed from any location were taken to the public works office where they were held until they were picked up by Anna Whitlock or another person. I did not throw away or otherwise damage any S.A.F.E. sign, whether in 2020 or 2021.

Under penalty of perjury, the foregoing is true and correct to best of my recollection and knowledge.

DATED this 12<sup>th</sup> day of May, 2021.

Erin Barnett  
ERIN BARNETT

**CERTIFICATE OF SERVICE**

I hereby certify that on May 12, 2021, I caused the foregoing pleading to be electronically filed with the Clerk of the Court via the CM/ECF System, which will effectuate service of a copy of such pleading upon each of the attorneys of record including:

Carolyn Gilbert, WSBA #51285  
Joseph P. Cutler, WSBA #37234  
Reina Almon-Griffin, WSBA #54651  
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*Among Attorneys for Plaintiffs*

DECLARATION OF ERIN BARNETT - 5  
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1 DATED this 12<sup>th</sup> day of May, 2021.

3 s/ D. R. (Rob) Case

4 D. R. (Rob) Case, WSBA #34313

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